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9 Attorneys for Defendants
10 CITY OF OAKLAND, et al.

11
12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 KEVIN L. HOPKINS,

16 Plaintiff,

17 v.

18 OAKLAND POLICE DEPT.,
19 OFF. BERGERON, et al.,

20 Defendant(s).

Case No. C-09-0722 CW (PR)

DECLARATION OF ARLENE M.
ROSEN IN SUPPORT OF
DEFENDANTS' EX PARTE
APPLICATION FOR EXTENSION
OF TIME TO FILE DISPOSITIVE
MOTION
[PROPOSED] ORDER THEREON

21 I, ARLENE M. ROSEN, declare:

22 1. I am an attorney licensed to practice before all courts of the State of
23 California and the district courts of the Northern District of California. I am employed as a
24 Senior Deputy Attorney with the Office of the City Attorney of Oakland, attorney of record
25 for defendants herein. The matters set forth herein are known to me to be true, and if
26 called upon, I could competently testify thereto.

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1 2. Defendants filed an answer to the complaint in this action on July 12,
2 2010 pursuant to this Court's Order of Service and Addressing Plaintiff's Pending Motions
3 dated May 11, 2010. Unfortunately, and for reasons I can attribute only to inadvertence
4 and oversight, neither I nor the person responsible for calendaring noted that defendants'
5 filing deadline for a dispositive motion was 90 days from the date defendants' answer was
6 due, i.e., October 12, 2010. Therefore, defendants did not file a dispositive motion
7 pursuant to this Court's order.
8

9 3. Due to budget cuts, the litigation unit in the Oakland City Attorney's
10 Office is woefully understaffed. Additionally, the number of available work days have
11 been significantly diminished by mandatory business shutdown (furlough) days, which
12 include September 10, October 11, November 12 and 29 and December 27 through 30,
13 2010; as well as for holidays on September 6 and 9, November 25 and 26 and December
14 24 and 31, 2010. This, combined with an undiminished workload undoubtedly contributed
15 to our oversight in failing to calendar the filing deadline for a dispositive motion and
16 severely limits our ability to file such a motion before December 22, 2010, in light of the
17 thirty-five day notice requirement for such motions.
18

19 4. Defendants have sought no other extensions of time or continuances
20 in this action, and no trial date has been set. As I have no telephone number for Kevin
21 Hopkins, Plaintiff Pro Se, and time is of the essence, I was unable to call him to seek a
22 stipulation for an extension of the filing deadline. Therefore, Defendants make this ex
23

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1 parte application to the Court to expedite this application.

2 I declare under penalty of perjury under the laws of the State of California
3 and the United States that the foregoing is true and correct.

4 Executed this 20th day of October, 2010 at Oakland, California.

5
6 
7 ARLENE M. ROSEN

8
9
10 **ORDER**

11
12 Having read Defendants' Ex Parte Application for an extension of time to file
13 their dispositive motion and good cause appearing therefor, this Court hereby extends the
14 filing deadline for a dispositive motion to December 22, 2010.

15 Dated: October 25, 2010

16
17 
18 UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE
Hopkins v. City of Oakland
U.S.D.C. No. C-09-0722 CW (PR)

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612. On the date shown below, I served the within document:

DECLARATION OF ARLENE M. ROSEN IN SUPPORT OF DEFENDANTS' EX PARTE APPLICATION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION [PROPOSED] ORDER THEREON

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth.
- ☐ by causing personal delivery by (name) of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by causing such envelope to be sent by Federal Express/ Express Mail.

Kevin L. Hopkins
V76611 – 1950 University Avenue, Suite 100
Berkeley, CA 94704

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct in accordance with 28 U.S.C. § 1746.

Executed on October 20, 2010, at Oakland, California.

Deborah Walther